IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 9277 of 2007(D)

PETITIONER:
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1. JOSE, KARUMATHI HOUSE,
AVANAMCODE KARA, NEDUMBASSERY VILLAGE,
ALUVA TALUK, NEDUMBASSERY P.O.,
ERNAKULAM DSTRICT.

2. PAULOSE, DO, DO.

3. DEVASSYKUTTY, DO. DO.

4. ANTONY, @ ANTU DO. DO.

BY ADV. SRI.P.N.GOPALAKRISHNAN NAIR
SRI.K.B.SURESH

RESPONDENTS:
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1. S.I. OF POLICE,
CHENGAMANAD.

2. C.I. OF POLICE,
CHENGAMANGAD.

3. THE SUPERINTENDENT OF POLICE,
ERNAKULAM (RURAL) ALUVA.

4. THE REVENUE DIVISIONAL OFFICER,
FORT KOCHI.

5. A.THANKAPPAN,
ALAKKADA PARAMBIL, ALAKKADA, NEDUMBASSERY,
(MEMBER WARD NO.X, NEDUMBASSERY GRAMA PANCHAYAT).

BY ADV. SRI.JOHNSON ABRAHAM FOR R5
SRI.S.GOPINATHAN
SRI.NELSON ABRAHAM
GOVERNMENT PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 9277 of 2007(D)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE DOCUMENT NO.10/88 OF THE S.R.O, CHENGAMANAD.

EXT.P2: PHOTOGRAPH OF THE LAND.

EXT.P2(a): ---DO----

EXT.P3: PHOTOGRAPH OF THE NEIGHBOURING LAND.

EXT.P4: COPY OF THE PETITION DATED 12.12.2006 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P5: COPY OF THE PETITION 2.1.2007 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

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BKN // TRUE COPY//

P.A. TO JUDGE.

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO. 9277 OF 2007

Dated this the 11th day of April, 2007.

JUDGMENT

Koshy, J.

This is a petition for police protection. It is the case of the petitioner that when the petitioner wanted to develop the property which contained many pits due to removal of clay for brick manufacturing, there were obstructions from the public and they want police protection. They also submitted that the land in question was not cultivated for many years. Counsel for the 5th respondent submitted that nearby places are paddy fields. The question is whether the property in question is used to cultivate paddy notwithstanding the description in the document and it is a question of fact. It is submitted that they filed a complaint before the statutory authorities. Personal allegation against 5th respondent was also denied. We only state that law and order cannot be taken by any person. If land utilisation order or any other statutory orders are violated, it is for the petitioners or objectors to approach the statutory authorities or court and get prohibitory orders. In the absence of any prohibitory orders, petitioners work shall not be obstructed and police is bound to grant protection. Interim order dated 19.3.2007 is confirmed with the above observation and the Writ Petition is disposed of.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

bkn